

**REMARKS****Status of the Application**

Claims 100-104, 107, 108 and 111-133 are pending in the application. Claims 100, 103, 104, 119, 124, and 129 are independent claims and each has been amended herein.

Pursuant to the Office Action mailed May 10, 2005, the active claims stand rejected under 35 U.S.C. 103(a) as obvious over Minton (U.S. PG Pub No. 2002/0091611) in view of Rickard et al. (U.S. Patent No. 6,112,189).

In the subject Office Action, the Examiner notes that Minton teaches a method for facilitating the bartering of publicly traded securities but that Minton fails to teach an inventive concept wherein the second security is different from the first security and the purchase is concurrent with the sale of the first security. The Examiner then states that Rikard et al. teaches the inventive concept wherein the second security is different from the first security and the purchase is concurrent with the sale of the first security. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Minton to include Rikard et al.'s inventive concept. For the reasons set out below, Applicant respectfully traverses this rejection.

**Summary of the Amendment**

Each of the currently active independent claims has been amended to recite: "...a value indicator based upon a value ratio determined by a combination of the ratios  $x/y$  and  $a/b$

where: a = a sale value of the first security to be sold, b = a market price of the first security to be sold, x = the purchase value of the second security to be acquired and y = a market price of the second security to be acquired.”

Applicant thus claims methods and systems wherein multiple barter orders are executed to consummate a barter transaction, including communicating and developing a value ratio of the type taught and now claimed by Applicant.

These amendments find support in Applicant’s specification and do not constitute new matter.

### **The Cited References**

Minton discloses an online system and method for securities trading. The system of Minton includes typical stock trading functionality, such as buying, selling, and making markets (see paragraphs 0053-0058). As noted by the Examiner in the subject Office Action, Minton fails to teach an inventive concept wherein the second security is different from the first security and the purchase is concurrent with the sale of the first security. That is, Minton fails to show or suggest the claimed barter order methods and systems of the present invention.

Rickard et al. shows a trading system that uses a mutual satisfaction indicator to facilitate negotiations between parties. In the subject Office Action, the Examiner indicates that Rikard et al. teaches the inventive concept wherein the second security is different from the first security in the purchase and is concurrent with the sale of the first security. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the inventive concept of Minton to include Rikard et al.'s inventive concept, whereby to obviate Applicant's claimed invention.

### **Applicant's Arguments**

Applicant respectfully traverses the Examiners rejection. However, to expedite prosecution, Applicant has amended the claims to recite the value indicator as described herein above. Applicant notes that neither the Minton nor Ricard et al. references teach, disclose or suggest a value indicator based upon the claimed value ratio as recited in the independent claims. Applicant further submits that a value indicator based upon the claimed value ratio is nowhere shown or suggested in any of the art of record.

In summary, Minton shows only a system for facilitating conventional types of trades. Rickard et al. shows only conventional multiple-security trades. The references fail to show, separately or in combination, Applicant's claimed bartering methods and systems including the claimed value indicator.

**CONCLUSION**

For these reasons Applicant respectfully submits the invention to be patentable over the cited art. Applicant requests entry of this Amendment and a timely allowance of the active claims.

**AUTHORIZATION**

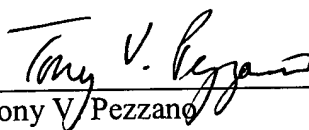
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4159-4003US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4159-4003US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: October 11, 2005

By: \_\_\_\_\_

  
Tony V. Pezzano  
Registration No. 38,271

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile